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VIA ECF

Honorable Valerie Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 443
New York, New York 10007

Honorable Debra Freeman, U.S. Magistrate Judge
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *In re Navidea Biopharmaceuticals Litigation, Case No. 19-cv-01578-VEC*

Dear Judges Caproni and Freeman:

As the Court is aware, I represent Defendant/Counterclaim Plaintiff/Third-Party Complaint Plaintiff Michael M. Goldberg, M.D. (“Dr. Goldberg”) in the above-referenced action. We write to update the Court that on February 5, 2021 Dr. Goldberg submitted to Navidea complete billing records for the month of January 2021 and a calculation of the amount for which he seeks advancement, all in compliance with the protocol for going-forward advancement protocol adopted by the Court. Navidea did not pay a single dollar in undisputed fees or expenses and did not escrow a single dollar or provide any detailed objections to the request as required by the protocol. Instead, in an obvious effort to further delay advancement, Navidea offered to meet and confer about advancement, a process that is specifically incorporated in the protocol *after* Navidea pays all undisputed amounts, escrows an additional amount, if any, up to 50% of the requested amount and provides detailed objections to each time entry.

Although Dr. Goldberg’s reply in further support of his motion for contempt is not due until next week, we have filed the reply simultaneously herewith and respectfully request that the Court address the motion and the Court’s own *sua sponte* order to show cause immediately. Navidea was ordered to comply with the protocol in August 2020 and was admonished last month to “start paying” and yet Dr. Goldberg has not received single dollar of advancement under the protocol for fees and expenses submitted beginning in October 2020 pursuant to the protocol.

Thank for your attention to this matter.

Respectfully submitted,

/s/ Gregory Zimmer, Esq.